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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,784	01/12/2001	Cary Lee Bates	ROC920000007US2	9669
24038	7590	07/14/2004	EXAMINER	
MARTIN & ASSOCIATES, LLC P O BOX 548 CARTHAGE, MO 64836-0548			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 07/14/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,784	BATES ET AL.	<i>SK</i>
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8, 9</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

In view of the Appeal Brief filed on 6-24-04, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 10-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Syed et al. US 6,038,451 and further in view of Dennison et al. US 5,235,633 (hereafter Syed and Dennison).

As per **claims 1 and 10**, Syed teaches a portable phone (figure 1, wireless unit #11);

A second phone (figure 1, wireline unit #13); and

A call router that automatically rings the second phone without requiring input from a user of the portable phone when a call is received for the portable phone if the portable phone is within a predetermined physical relationship with the second phone as

indicated by the position detector (C2, L35-48 teaches routing cellular call to a wired phone via cellular system hardware, ie. figure 1 #27, #33, #35, #25. No input is required by the user and the network re-routes the call when the mobile phone is near the wireline phone, abstract).

But is silent on the portable phone having a position detector to detect the position of the portable phone.

The examiner notes that Syed teaches the “network” determines the position of the phone (figure 1, #25) and makes the determination as to whether the phone is within a predetermined distance/relationship from the wired/second phone instead of the phone having a position detector on it. Dennison teaches a phone with GPS receiver that can determine its position and transmit it to the network (abstract).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Syed, such that the portable phone has a position detector to detect the position of the portable phone, to provide means for either the phone or network to determine the location of the phone.

As per **claim 2**, Syed in view of Dennison teaches claim 1 **but is silent on** the position detector is a GPS sensor.

Dennison teaches a phone with GPS receiver/sensor (abstract).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Syed/Dennison, such that the position detector is a GPS sensor, to provide means for the position determination to be via various means (ie. Cell network, GPS, Loran, etc.).

As per **claims 3 and 11**, Syed in view of Dennison teaches claim 1/10 **but is silent on** wherein the call router rings the portable phone at the same time the call router rings the second phone and connects the call to whichever of the phones is answered first.

Mukerjee teaches simultaneously ringing a subscriber's wired and wireless phones simultaneously (abstract) and that ringing occurs until either the wired or wireless unit answers the call (C5, L20-22).

It would have been obvious to one skilled in the art at the time of the invention to modify Johsson, such that both phones are rung until one is answered, to provide means for the user to select which phone they want to answer.

As per **claims 5 and 13**, Syed in view of Dennison teaches claim 1/10 wherein the second phone comprises a land-based phone coupled to a telephone jack (figure 1 shows a wireline unit which inherently connects to a telephone jack to the PSTN #31).

As per **claims 6 and 14**, Syed in view of Dennison teaches claim 1/10 wherein the predetermined physical relationship comprises a predefined geographical region (Abstract teaches position location determination which includes a region as well as the system determines if the mobile is located in the same region/area as the second/wireline phone).

As per **claims 7 and 15**, Syed in view of Dennison teaches claim 1/10 wherein the predetermined physical relationship comprises a predefined distance between the portable phone and the second phone (Abstract teaches position location determination whereby the system determines if the mobile is located nearby the second/wireline phone).

As per **claims 8 and 16**, Syed in view of Dennison teaches claim 1/10 **but is silent on** wherein the call router further rings the portable phone when a call is received for the second phone if the portable phone is within the predetermined physical relationship with the second phone (C5, L4-60).

The examiner notes that Syed's invention determines when the portable phone is nearby the wireline phone. Hence one skilled can operate Syed's system in a reverse

manner whereby an incoming wireline call simultaneously rings the portable phone as well when the two are proximate.

Mukerjee teaches simultaneously ringing a subscriber's wired and wireless phones simultaneously (abstract). Hence the ringing occurs until either the wired or wireless unit answers the call (C5, L20-22).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison, such that the mobile can be rung when the second phone has a call, to allow the user to choose to answer said call on the mobile phone.

As per **claims 9 and 17**, Syed in view of Dennison teaches claim 8/16 **but is silent on** wherein the call router rings the portable phone at the same time the call router rings the second phone, and connects the call to whichever portable/second phone is answered first

Mukerjee teaches simultaneously ringing a subscriber's wired and wireless phones simultaneously (abstract) and that ringing occurs until either the wired or wireless unit answers the call (C5, L20-22).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison, such that both phones are rung until one is answered, to provide means for the user to select which phone they want to use to answer the call.

Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Syed/Dennison and further in view of DeBrito WO9933199 (hereafter DeBrito).

As per **claims 4 and 12**, Syed in view of Dennison claim 1/10 **but is silent on** wherein the second phone comprises a portable phone.

DeBrito teaches ringing one or more mobile phones in a group of mobile units to which the called party number refers to (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Johsson, such that the second phone is a mobile phone, to provide flexibility with regard to which phone(s) can be used within this system.

Claims 18-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Syed and further in view of Dennison and Hardouin EP0876071 (hereafter Hardouin).

As per **claim 18**, Syed teaches a phone system comprising:

A portable phone (figure 1, #11)

A second phone (figure 1, #13)

A call router that rings the second phone when a call is received for the portable phone if the portable phone is within a predetermined physical relationship with the second phone as indicated by the position detector.

But is silent on a phone with position detector and each geographic region having a phone parameter that determines how a call is rung and routing a call based on phone parameters for a region.

The examiner notes that Syed teaches the “network” determines the position of the phone (figure 1, #25) and makes the determination as to whether the phone is within a predetermined distance from the wired/second phone instead of the phone having a position detector on it. **Dennison** teaches a phone with GPS receiver that can determine its position and transmit it to the network (abstract).

Hardouin teaches determination of a wireless handset’s location and audio/vibration alerting based on location (abstract, “users may choose to specify areas designated by the system administrator for audio alerting or vibration alerting” and “the system administrator may determine different alerting information for different areas of the building”).

It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to modify Syed, such that the portable phone has a position detector to detect the position of the portable phone, to provide means for either the phone or network to determine the location of the phone.

With further regard to claim 22, Syed teaches location determination which reads on geographical region and determining entering/exiting from a defined geographical region) but is silent on updating phone parameters when exiting a region.

Again, Hardouin teaches determination of a wireless handset’s location and audio/vibration alerting based on location (abstract, “users may choose to specify areas

designated by the system administrator for audio alerting or vibration alerting" and "the system administrator may determine different alerting information for different areas of the building"). One skilled in the art would provide for updates as required while the user roams (ie. manually per the system administrator or automatically).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed, such that a phone parameter exists for different ringing/alerting, to provide means for the user to be alerted in different ways according to their location.

As per **claim 19**, Jonsson teaches claim 18 **but is silent on** the position detector comprises GPS sensor.

Dennison teaches cell phone system that uses position of the mobile unit to make call management decisions that uses GPS for position detection (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison/Hardouin, such that GPS is used, to provide worldwide coverage for location determination.

As per **claim 20**, Syed in view of Dennison/Hardouin teaches claim 18 wherein and the mechanism (in C) reside in the portable phone (abstract teaches phone interacts with registration device) and the call router resides in the telephone company network (figure 1, #12 and #14) **but is silent on** the geographical region (in B).

Hardouin teaches a system level table (figures 4 and 5) that one skilled in the art would provide in the portable phone.

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison/Hardouin, such that geographical location (information) is provided in the phone, to provide storage means on the phone to allow it to determine its position without having to use valuable bandwidth to interrogate the BTS/BSC for said information.

As per **claim 21**, Syed in view of Dennison/Hardouin teaches claim 18 the call router resides in the telephone company network (figure 1, #31) **but is silent on** the

portable phone communicates its detected position to the call router (abstract) and wherein the at least one geographical region (in B), the mechanism (in C) reside in the phone network.

Dennison teaches the phone having GPS receiver to determine/transmit it's location (abstract).

Hardouin teaches a system level table (figures 4 and 5) that resides in phone network (eg. BSC/BTS).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed/Dennison/Hardouin, such that the region and mechanism reside in the network, to provide means for the various pieces to be moved to the network for flexibility/optimal operation.

Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Syed/Dennison and further in view of Schmitt US 6,459,695 (hereafter Schmitt).

As per **claim 26**, Syed teaches a portable phone and movement/roaming of the user (abstract and figures – mobile phone users inherently roam) **but is silent on a method for dynamically defining a region for a portable phone that includes internal position detector, the method comprising:**

- 1) placing the portable phone in dynamic region definition mode
- 2) moving the portable phone to a first boundary point
- 3) storing the first boundary point as a boundary point for a region as detected by the internal position detector
- 4) repeating steps 2 and 3 until all desired boundary points have been entered
- 5) computing a region by connecting the boundary points.

The examiner notes that Syed teaches the “network” determines the position of the phone (figure 1, #25) and makes the determination as to whether the phone is within a predetermined distance from the wired/second phone instead of the phone having a position detector on it. Dennison teaches a phone with GPS receiver that can determine it's position and transmit it to the network (abstract).

Schmitt teaches a method that can identify a region within a geographic coverage area of a base station in a wireless network and interpolate the locations in said region to define a boundary of said region (reference Schmitt's claim 1).

It would have been obvious to one skilled in the art at the time of the invention to modify Syed, such that the region can be dynamically defined, to provide means for the user to have flexibility of how large a region they require to have the defined operational capabilities defined by Jonsson et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Aldermeshian et al. US 5,745,850
2. Wenk et al. US 6,253,088

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
7-7-04



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600